

Remarks

Claims 3, 7, 8, 12, 16, 17 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 has been amended to depend from claim 2 thereby providing the antecedent basis for "said clamp case".

Claims 7, 8, 16, and 17, the term "high temperature" is objected to as the claims and the specification do not indicate any values for the term "high". In reviewing the specification, the term "high temperature" is only used in the context with temperatures generated during abnormal operating states (page 2, line 11; page 9, line 8; page 9, line 15; page 9, line 18; page 12, line 2; page 18, line 8; page 18, line 19; and page 18, line 20). One skilled in the art would understand that the term "high temperature" would mean the temperature that is outside of the respective battery's operating state, which can vary from battery to battery, depending on the particular battery's size, type, composition, etc. Thus, a particular value would not be necessary and the term "high temperature" is not indefinite. The Examiner is respectfully requested to reconsider this objection.

Claims 12 and 21 are objected to due to the term "middle-phase" as being not recognized in the art. The term as originally provided "middle-phase-carbon tiny ball" has a perhaps more common translation as "mesocarbon microbeads." The specification and the claims are amended accordingly.

Claims 20-22 are object to under 37 CFR 1.75 as being a substantial duplicate of claims 11-13, respectively. Claims 20-22 are amended to overcome this objection. The Examiner is thanked for pointing out such issues.

Claims 1, 12, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xing et al. (US 6,844,109) in view of Kaneta (US 7,029, 789) and Clarke (US 4,646,430). Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Xing et al. in view of Kaneta and Clarke as applied to claim 1 above and further in view of Kaneta (US 2003/0124416).

Claim 1 is amended to include the limitations of claim 2 and an important feature and claim 2 is further amended. Claim 1 as amended now recites a clamp case that is a box-type structure with two open ends and there is an extruding part at each end of the clamp case.

Kaneta does not teach a clamp case and does not teach the use of a case with an extruding part. The extruding part help secures the core to the case as recited in the specification (page 12, line 17 to page 13, line 1). Claim 1 as amended overcomes these references. Claim 2 is amended to provide that the extruding part butting against the respective covers of the battery.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Xing et al. in view of Kaneta '789, Clarke and Kaneta '416 as applied to claim 2 above, and further in view of either Wyser (US 6,232,015) or Kelemen (US 6,248,472). Claim 3 depends from claim 1, which is amended to include the limitations claim 2 and an important feature. Claim 3 overcomes this 103(a) rejection since now it depends from an amended claim 1 that overcomes its respective rejection.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Xing et al. in view of Kaneta '789 and Clarke as applied to claim 1 above, and further in view of Rodriguez et al. (US 5,667,909). Rodriguez teaches the folding of a separator material. Claim 4 is amended to state that the separator is a bag-type separator, which is not taught by Rodriguez. Claim 4 as amended overcomes this rejection because Rodriguez does not describe the use of a bag-type separator, only the folding of a separator material. Furthermore, claim 1 depends from now the amended claim 1 which as amended overcomes its respective rejection.

Claims 5, 6, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xing et al. in view of Kaneta '789 and Clarke as applied to claim 1 above, and further in view of Biegger (US 4,879,187). In view of the amended claim 1, applicants submit that these claims now overcome this rejection.

Claims 11, 13, 20 and 22 are rejected under 25 U.S.C. 103(a) as being unpatentable over Xing et al. in view of Kaneta '789 and Clarke as applied to claim 1 above, and further in view of Yamaura et al. (US 6,426,164). In view of the amended claim 1, applicants submit that these claims now overcome this rejection.

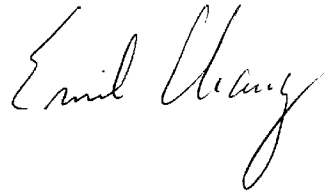
Claims 14, 15, 18 and 19 are rejected under 25 U.S.C. 103(a) as being unpatentable over Xing et al. in view of Kaneta '789, Clarke and Kaneta '416 as applied to claim 2 above, and further in view of Biegger (US 4,879,187). In view of the amended claim 1, which now incorporates the limitations of claim 2, and the arguments submitted above, applicants submit that these claims now overcome this rejection.

Figure 2 of the drawings is objected to because the numeral 12 appears to indicate two different items in each of Figures 2 and 3. The numeral "12" in Figure 2 is amended to be "11".

Figure 4 of the drawings is objected to because the numeral 18 does not appear in the specification. The numeral "18" in Figure 4 is amended to be "8", which is referenced in the specification.

The applicants submit that the application is now in condition for allowance. The examiner is thanked for his assistance.

Respectfully submitted,
Venture Pacific Law, PC

A handwritten signature in cursive script, reading "Emil Chang".

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